

WAIVING CERTAIN PROVISIONS OF SECTION 212 (a) OF  
THE IMMIGRATION AND NATIONALITY ACT IN BEHALF  
OF CERTAIN ALIENS

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MARCH 20, 1958.—Committed to the Committee of the Whole House and ordered  
to be printed

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Mr. CHELF, from the Committee on the Judiciary, submitted the  
following

R E P O R T

[To accompany H. J. Res. 577]

The Committee on the Judiciary, to whom was referred the joint resolution (H. J. Res. 577) to waive certain provisions of section 212 (a) of the Immigration and Nationality Act in behalf of certain aliens, having considered the same, report favorably thereon with amendments and recommend that the joint resolution do pass.

The amendments are as follows:

On page 2, after line 7, insert a new section 3 to read as follows:

SEC. 3. Notwithstanding the provision of section 212 (a) (1) of the Immigration and Nationality Act, Norvall Arnold Olson may be issued a visa and admitted to the United States for permanent residence if he is found to be otherwise admissible under the provisions of that Act: *Provided*, That a suitable and proper bond or undertaking, approved by the Attorney General, be deposited as prescribed by section 213 of the said Act.

On page 2, line 8, strike out "Sec. 3." and substitute "Sec. 4."

On page 2, after line 15, insert a new section 5 to read as follows:

SEC. 5. Notwithstanding the provision of section 212 (a) (19) of the Immigration and Nationality Act, Herman Shin Gee Chiu may be issued a visa and admitted to the United States for permanent residence if he is found to be otherwise admissible under the provisions of that Act.

On page 2, line 16, strike out "Sec. 4." and substitute "Sec. 6."

On page 2, line 21, strike out "Sec. 5." and substitute "Sec. 7."

On page 3, after line 3, insert a new section 8 to read as follows:

SEC. 8. Notwithstanding the provision of section 212 (a) (31) of the Immigration and Nationality Act Emilia Montijo de Mendez, nee Montijo-Zabalza, may be issued a visa and admitted to the United States for permanent residence if she is found to be otherwise admissible under the provisions of that Act.

On page 3, line 4, strike out "Sec. 6." and substitute "Sec. 9.".

#### PURPOSE OF THE JOINT RESOLUTION

The purpose of the joint resolution, as amended, is to waive certain provisions of section 212 (a) of the Immigration and Nationality Act in behalf of eight persons.

The purpose of the amendments is to add three names to the joint resolution and to renumber sections of the joint resolution.

#### GENERAL INFORMATION

The committee, desiring to lighten the burden of the Chief Executive and to shorten the time required for the consideration of private calendars on the floor of the House, has decided to include the names of several beneficiaries of pending bills in one joint resolution, after having considered each of the cases on their individual merits and having acquainted themselves with all the facts pertinent to each case.

The beneficiaries of sections 1 through 8 of the joint resolution, as amended, were the subjects, respectively, of the following bills:

H. R. 2610, by Mr. Bates  
H. R. 2693, by Mr. Machrowicz  
H. R. 3177, by Mr. Marshall  
H. R. 3298, by Mr. Lipscomb  
H. R. 3314, by Mr. Sheehan  
H. R. 5971, by Mr. Fino  
H. R. 8666, by Mr. Ford  
H. R. 8856, by Mr. Hagen

Section 1 is designed to waive the provisions of section 212 (a) (1) and (4) of the Immigration and Nationality Act in behalf of one person and also provides for the posting of a bond as surety that the beneficiary will not become a public charge.

Section 2 of the joint resolution would waive the provision of section 212 (a) (3) of the Immigration and Nationality Act in behalf of one person and also provides for the posting of a bond as surety that the beneficiary will not become a public charge.

Section 3 of the joint resolution, as amended, would waive the provision of section 212 (a) (1) of the said act in behalf of one person and provides for the posting of a bond as surety that the beneficiary will not become a public charge.

Section 4, of the joint resolution, as amended, would waive the provision of section 212 (a) (4) of the said act in behalf of one person, and provides for the posting of a bond as surety that the beneficiary will not become a public charge.

Section 5 of the joint resolution, as amended, would waive the provision of section 212 (a) (19) of the said act in behalf of one person.

Section 6 of the joint resolution, as amended, would waive the provision of section 212 (a) (9) of the said act in behalf of one person.

Section 7 of the joint resolution, as amended, would waive the provision of section 212 (a) (1) of the said act and provide for the posting of a bond as surety that the beneficiary will not become a public charge.

Section 8 of the joint resolution, as amended, would waive the provision of section 212 (a) (31) of the said act in behalf of one person.

Section 9 of the joint resolution, as amended, is customary language included in resolutions of this type, limiting the grounds for inadmissibility to grounds for exclusion of which the Departments of State or Justice had knowledge prior to the enactment of this act.

The pertinent facts in each case are printed below in the order that those cases appear in House Joint Resolution 577, as amended.

*H. R. 2610, by Mr. Bates—Patrick Brendan Cox*

The beneficiary is a 19-year old native and citizen of Ireland who resides in that country with his father and a brother and sister. His mother is a citizen of the United States and resides in this country with her three other children. The beneficiary is unable to obtain a visa because he has been found mentally defective as one who is feeble-minded.

The pertinent facts in this case are contained in letters from the Commissioner of Immigration and Naturalization dated August 13, 1956, regarding a bill then pending for the relief of the same person, and April 3, 1957. Those letters read as follows:

DEPARTMENT OF JUSTICE,  
IMMIGRATION AND NATURALIZATION SERVICE,  
*Washington, D. C., August 13, 1956.*

HON. EMANUEL CELLER,  
*Chairman, Committee on the Judiciary,  
House of Representatives, Washington, D. C.*

DEAR MR. CHAIRMAN: In response to your request for a report relative to the bill (H. R. 11796) for the relief of Patrick Brendan Cox, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the Boston, Mass., office of this Service, which has custody of those files.

The bill would waive the provisions of the Immigration and Nationality Act which exclude from admission into the United States aliens who are afflicted with psychopathic personality, epilepsy, or a mental defect and would authorize the alien's admission for permanent residence if he is found otherwise admissible under said act. It would further provide that a suitable and proper bond or undertaking be deposited to insure that the beneficiary shall not become a public charge. The bill does not specifically limit the exemption granted the beneficiary to grounds for exclusion of which the Department of State or Department of Justice has knowledge prior to the date of enactment of the bill.

Sincerely,

J. M. SWING, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND  
NATURALIZATION SERVICE FILES RE PATRICK BRENDAN  
COX, BENEFICIARY OF H. R. 11796

Information concerning this case was obtained from Mrs. Mary Kate Cox, nee Lavin, also known as Mrs. Marian Kate Cox, the beneficiary's mother.

Patrick Brendan Cox, also known as Brindy Cox, a native and citizen of Eire, was born on October 13, 1938, in Kilmore, Carrick-on-Shannon, county of Leitrim. He has never married and lives at The Rock, Kilmore, Carrick-on-Shannon, county of Leitrim, Eire, with his father, Joseph Cox, 2 brothers and 3 sisters. He does the greater portion of the work on his parents' farm as his father is a semi-invalid and his eldest brother attends school. The livelihood of the family is derived mostly from the farm, but is augmented by the earnings of Mrs. Cox in the United States.

The beneficiary has never been in this country. He attended public school until 13 years of age and learned to read and write but was very backward in other subjects. His mother is his only near relative in the United States. It is alleged that he was refused an immigrant visa at the United States consulate in Dublin, Ireland, in June 1955, and in April 1956, on the ground that he was a mental defective. The committee may desire to request the Bureau of Security and Consular Affairs, Department of State, to secure information in this connection.

Mrs. Mary Kate Cox, nee Lavin, a native and citizen of Eire, was born on December 21, 1902, in Mucklehawn, Carrick-on-Shannon, Leitrim County. She was married to Joseph Cox, a native and citizen of Eire at Drumsna, County of Leitrim, Eire, on October 24, 1934. They have six children, all born in Eire. Neither her husband nor any of their children have been in the United States. She is employed as a cook by Mrs. Phillipe Von Hemert, Summer Street, Manchester, Mass., for which she receives board and room and \$50 per week. She graduated from grammar school and has received training as a nursemaid and a practical nurse. She entered the United States in 1928 as an immigrant and remained here until 1933 when she returned to Ireland to visit her parents. Due to the illness of her father, she remained in Ireland. She next entered the United States on October 27, 1951, and was lawfully admitted for permanent residence. In July 1954 she returned to Ireland to visit her family. She reentered the United States on October 3, 1954, to resume residence in this country. The family assets consist of the family farm in Eire, valued at \$10,000, a bank account in Eire estimated at \$600 in United States currency, two bank accounts in the United States totaling about \$3,400. Mrs. Cox has stated that at the present time all the members of her family except the beneficiary wish to remain in Ireland. She has further stated that it is her desire to have her son, Patrick, come to the United States as he dislikes working on the farm and she believes that his opportunities will be much greater in the United States. Mrs. Cox has also stated that she is on good terms with her husband and her purpose in coming to the United States in October 1951 was to obtain employment here so she could increase the income of her family.



DEPARTMENT OF JUSTICE,  
IMMIGRATION AND NATURALIZATION SERVICE,  
*Washington, D. C., April 3, 1957.*

HON. EMANUEL CELLER,  
*Chairman, Committee on the Judiciary,  
House of Representatives, Washington, D. C.*

DEAR MR. CHAIRMAN: This refers to the report furnished by this Service to the committee on August 13, 1956, relative to Patrick Brendan Cox, beneficiary of private bill H. R. 11796, 84th Congress, 2d session, who is now the beneficiary of private bill H. R. 2610, 85th Congress.

The following additional information has been received concerning Mrs. Mary Kate Cox nee Lavin, also known as Mrs. Marian Kate Cox, the beneficiary's sponsor mother:

Mrs. Cox now lives in the St. Agnes Rectory, 24 Medford Street, Arlington, Mass. where she is employed as a cook. Her wages are \$50 per week, plus room and board.

Sincerely,

J. M. SWING, *Commissioner.*

Mr. Bates, the author of H. R. 2610, appeared before a subcommittee of the Committee on the Judiciary and testified in support of his bill, as follows:

Mr. Chairman, I am sincerely grateful for the reconsideration being given this morning to H. R. 2610, a private bill for the relief of Patrick Brendan Cox, a son of Mrs. Marian Cox, residing at 24 Medford Street, Arlington, Mass.

On July 23, 1957, this measure was reported adversely by your committee, primarily because it was felt Patrick's support might be too much of a financial burden on his mother. This question of doubt, I feel sure, is eliminated by the report which Mrs. Cox made to me early this year and in which she states: "I have become a citizen on September 9, 1957. My son Joseph became a citizen on November 25, 1957. His age is 16 and he works for the Cooperative Steel Co. in Somerville at \$62 a week. My daughter Clair also came to the United States on April 9, 1957. She went to school in Boston and graduated from the Northeast Airlines school and is working for the company in New York at \$65 a week. My daughter Caroline, who is 17 years, came here November 14, and got a job at the Mutual Life Insurance at \$45, and she goes to night school conducted by the Northeast Airlines."

Mrs. Cox earns over \$40 a week and has substantial savings despite sizable contributions made to help feed and clothe her family in Ireland. She is an American citizen and loves America. She is anxious to have her son Patrick with her. He suffers from a mild case of feeble-mindedness, idiopathic. The mother states he is "Shy but very smart," and feels certain he will get along fine if permitted to come to America. I have no hesitancy in urging your favorable consideration of this bill.

SUPPLEMENTARY MEMO RE H. R. 2610, FOR THE RELIEF  
OF PATRICK BRENDAN COX

Patrick Brendan Cox, the beneficiary of private bill 2610, is a son of Mr. and Mrs. Joseph Cox. Mrs. Cox resides at 24 Medford Street, Arlington, Mass., and the father lives at Kilmore, County of Roscommon, Ireland.

Patrick was refused an immigrant visa at the office of the American Embassy, Dublin, Ireland, on July 28, 1955, under section 212 (a) (4) of the Immigration and Nationality Act as a person afflicted with a mental defect. His case has been described as "feble-mindedness, idiopathic, mild."

The bill was adversely reported in July of last year and tabled by your committee. In support of a request for reconsideration of the measure by your committee, I would like to submit the following letter received from Mrs. Cox on January 10, 1958. It reads as follows:

"DEAR MR. BATES: Thanks for your nice letter. I have become a citizen on September 9, 1957. My son Joseph became a citizen on November 25, 1957. His age is 16 and he came to the States on April 9, 1957, and he works at the Cooperative Steel Co. in Somerville at \$62 a week. My daughter Clair also came here to the United States on April 9, 1957. She went to school in Boston and graduated from the Northeast Airlines school and is now working for the company in New York this 6 months at \$65 a week.

"My daughter Caroline, who is 17 years, came here November 14, and got a job at the Mutual Life Insurance at \$45 a week and she goes to night school conducted by the Northeast Air Lines. She will graduate next June and will then work for the company. I filed Caroline's naturalization papers on December 20, 1957, so she is now waiting to be called to be sworn in. I was told that when I became a citizen I could have these two children citizens when they were under 18 years. I cannot do anything for Claire as she is 20 years of age.

"I have three children in Ireland. Martin is 22 years of age, Brendan 19 years, and Dorothea 12 years. So I would like to have Brendan with me now if I could. Martin has a job in Dublin and Dorothea is going to wait a bit longer and they all live at the same address with the father, The Rock, Kilmore, County of Roscommon, Ireland.

"The children who are here are doing well and like America."

The case of Mrs. Cox is a remarkable story of a mother separated for a number of years from her loved ones in order to provide them with education and necessities of life. There is no doubt whatsoever that Mrs. Cox and her children are financially able to guarantee the support of Brendan if permitted to join them. I have no hesitancy in recommending your favorable consideration and action.

*H. R. 2693, by Mr. Machrowicz—Charles Grant John Giles*

The beneficiary is a 39-year-old native of England who is a citizen of Canada, who resides in Windsor, Canada, with his wife, a United

States citizen, and their son. He has been found ineligible for admission to the United States as one who has had one or more attacks of insanity.

The pertinent facts in this case are contained in a letter dated July 18, 1955, from the Commissioner of Immigration and Naturalization to the chairman of the Committee on the Judiciary, regarding a bill then pending for the relief of the same person. That letter and accompanying memorandum read as follows:

DEPARTMENT OF JUSTICE,  
IMMIGRATION AND NATURALIZATION SERVICE,  
*Washington, D. C., July 18, 1955.*

Hon. EMANUEL CELLER,  
*Chairman, Committee on the Judiciary,  
House of Representatives, Washington, D. C.*

DEAR MR. CHAIRMAN: In response to your request of the Department of Justice for a report relative to the bill (H. R. 5774) for the relief of Charles Grant John Giles, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the Detroit, Mich., office of this Service, which has custody of those files.

The bill would exempt the beneficiary from the provision of the Immigration and Nationality Act, which excludes from admission persons who have had one or more attacks of insanity, if he is found to be otherwise admissible.

Sincerely,

—————, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND  
NATURALIZATION SERVICE FILES RE CHARLES GRANT JOHN  
GILES, BENEFICIARY OF H. R. 5774

Charles Grant John Giles, a native of England and a naturalized citizen of Canada, was born on January 31, 1919. Since March 22, 1952, he has been married to Angelina Dominico, a native and citizen of the United States. They have one son who was born in Windsor, Ontario, Canada, on October 2, 1954. Mr. Giles was previously married to Hettie White, a Canadian citizen, but this marriage was terminated by divorce in 1947. One son, who is now about 10 years of age, was born as a result of this marriage. This child is living with and is supported by the mother.

Mr. Giles resides with his wife and son at 1157 Walker Road, Windsor, Canada. He is employed by the General Motors Corp., at Windsor, Canada, and earns \$177 biweekly. The beneficiary has a \$3,500 equity in his home which is valued at \$8,500. Mrs. Giles owns a house in Detroit, Mich., which she states is valued at \$8,500 and from which she receives an income of \$65 per month. The beneficiary has a high-school education.

Mr. Giles was excluded and deported from the United States at Detroit, Mich., on May 23, 1952, on the ground that at the time of his entry he was an immigrant not in

possession of a valid immigration visa, and was a person who had suffered one or more attacks of insanity prior to entry. The Board of Immigration Appeals on November 21, 1952, upheld the exclusion order.

Mr. Giles was brought to Canada by his parents as a child, and has resided in that country since that time except for a period of 2 months in 1952 when he has testified that he lived in Detroit, Mich. The beneficiary served in the Canadian Navy from 1940 to 1942 and has testified that he was discharged to accept civilian employment. In 1942 he was drafted into the Canadian Army and was medically discharged in November 1944 due to a mental condition which was diagnosed as simple schizophrenia.

Mr. Giles was convicted on November 8, 1954, at Windsor, Canada, on his plea of guilty to two counts—keeping liquor for sale and keeping a gaming house. He was sentenced to serve 60 days in jail and paid a \$50 fine.

The Director of the Visa Office, Department of State, submitted the following report on this bill:

JUNE 27, 1955.

HON. EMANUEL CELLER,  
*Chairman, Committee on the Judiciary,*  
*House of Representatives.*

DEAR MR. CELLER: Reference is made to your letter of May 3, 1955, and its enclosures, wherein you requested a report of the facts in the case of Mr. Charles Grant John Giles, beneficiary of H. R. 5774, 84th Congress, 1st session.

There is enclosed a copy of a self-explanatory communication with enclosure, dated June 6, 1955, from the American Consulate at Windsor, Ontario, Canada.

At this time the Department has no knowledge of any factor in Mr. Giles' case, other than the information contained in the enclosures, which would render him ineligible to receive an immigrant visa. However, it should be borne in mind that any other ground of ineligibility which may come to light prior to visa issuance would preclude him from receiving a visa.

It is suggested that the committee may desire to communicate with the Immigration and Naturalization Service, Department of Justice, in this case, in order to obtain all the facts pertinent in the consideration of H. R. 5774.

Sincerely yours,

ROLLAND WELCH,  
*Director, Visa Office.*

OPERATIONS MEMORANDUM

JUNE 6, 1955.

To: Department of State, OMV No. 393.

From: American consulate, Windsor, Ontario.

Subject: Visas: Immigrant visa case of Charles Grant John Giles.

Reference: Department's OMV No. 150 dated June 1, 1955.

On April 22, 1952, Mr. Robert F. Bode, an attorney resid-



ing in Detroit, submitted a preliminary application for an immigrant visa on behalf of his client, Mr. Charles G. J. Giles. In his letter of April 22, 1952, Mr. Bode informed the consulate that Mr. Giles had been ordered to depart from the United States and would appreciate expeditious action by this office. Mr. Giles was notified on June 10, 1952, that he was invited to call for the purpose of executing his formal application for the desired visa on July 7, 1952.

On June 16, 1952, Mr. Bode advised the consulate in his letter that Mr. Giles had been found by an officer of the United States Public Health Service to be inadmissible under the immigration laws, on the grounds that he had had one or more attacks of insanity. The case of Mr. Giles was, therefore, canceled and his personal documents were returned to him. No further communication has been received on this case until the receipt of the Department's reference OMV.

For the Department's information, there is enclosed a copy of Mr. Bode's letter dated June 16, 1952, addressed to the consulate.

Mr. Machrowicz, who appeared before a subcommittee of the Committee on the Judiciary and testified in support of his bill, also supplied the committee with the following medical statements with reference to the beneficiary of this legislation:

WINDSOR, ONTARIO, *September 5, 1952.*

Re Charles Grant John Giles, age 33 (born January 31, 1919), 1083 Howard Avenue.

AMERICAN CONSULATE OFFICE,  
*Windsor, Ontario.*

DEAR SIR: I examined the above-named patient on August 30, 1952, at the request of Mr. Giles and of his wife. They stated that the reason for their request was that they have been endeavoring to obtain a visa for Mr. Giles to enter the United States. This has been held up because of a diagnosis of "mental illness" made upon his discharge from the Canadian Army in 1944. The diagnosis at the time of discharge, according to a letter signed by M. Fieney, M. D., senior treatment medical officer of Westminster Hospital, London, Ontario, dated May 8, 1952, was "mild schizophrenia." According to this letter, no specific treatment was given and at no time was the patient, while in this hospital, mentally disturbed.

The diagnosis of simple schizophrenia is mentioned in a copy available to me of portions of the testimony at a board of special inquiry of the Immigration and Naturalization Service at Detroit in connection with Mr. Giles' illness.

I have not available to me any records of Mr. Giles' illness in the Army prior to that time. However, Mr. Giles' history up to the time of his illness, as given by himself, is not one, in my experience, typical of persons who have this type of illness.

His employment history, as given by himself, is not one consistent with this diagnosis. The typical work history of a person with simple schizophrenia is one of sporadic, irregular work, and often complete idleness with a denial of the necessity of working. A person so afflicted

is typically a drifter with no ambition. Mr. Giles worked steadily before service. Since being discharged from hospital, he worked 7 years as relief foreman in the S. W. & A. (public transportation system) garage. He left there because of a long period on nights and is now working as a "hooker" on a crane at the Canadian Bridge Co. I do not have any verification of this other than Mr. Giles' statements; however, there should be no difficulty in checking this if it is necessary. His present employment is at least the equal of the one he gave up.

During my examination of Mr. Giles I saw no evidence of disturbance in behavior which would indicate the presence of a mental illness. There was no evidence of disordered thinking, undue self-preoccupation, inappropriate affect, which are characteristic of the illness he was diagnosed as having.

There was nothing noted that would indicate that Mr. Giles is likely to have a recurrence of mental illness to a degree that would make him a public charge.

On the basis of the evidence available to me, I can see no evidence of a psychotic illness in Mr. Giles. I can see no reason to believe that there is any undue likelihood that such an illness will develop in the foreseeable future.

Very truly yours,

G. DONALD CARSON, M. D.

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WINDSOR, ONTARIO, *July 31, 1952.*

Re Mr. Charles Grant John Giles.

THE AMERICAN CONSUL OFFICE,  
*Windsor, Ontario.*

DEAR SIR: This man was interviewed in my office on two occasions being referred here in order to acquire a mental status to see if he is suitable to enter the United States.

At the present time, his wife, who is 46 years of age, is living in that country and he wishes to be with her.

This man was born in England, January 1919 and came to this country at 4 years of age. He attended school here, graduating from the Windsor Vocational School at 23 years of age. He was trained along the mechanical line, and was interested in many extra curricular activities. He was very late in starting school but never repeated a grade and achieved his entrance examinations at 20 years of age.

On my observations I would judge that he is certainly of average intelligence. On leaving school, he enlisted in the navy from 1940 to 1942 serving overseas. He was then discharged and on his return to Canada was drafted into the army and again served overseas in England until 1944. During this time, he evidently suffered from some form of nervous disorder. I have ascertained on records that this was called a simple schizophrenia; however, in retrospect I am unable to satisfy myself of the intimate details of his illness, and I am inclined to think that this might have been one of those disorders common to troops serving under difficult circumstances.

On his return to Canada he has maintained steady employment with no signs of nervous instability. He left to go to Detroit to join his wife who is an American citizen, and was apprehended by the authorities.

This is this man's second marriage, and there are no children.

On direct examination, I was not able to detect any abnormal features in this man's personality make-up. I have seen him on two occasions and under a great deal of questioning in regard to his personal affairs he answered directly and concisely.

He gave me the impression of being alert and showed no evidence of mental illness on this interview. He also gave me the impression of being quite genuine and sincere. There is no significant family history, and no previous history of any mental illnesses.

On examination I could find no evidence of psychotic illness at the present time, and I do not feel there is any great possibility in any recurrence of mental illness of the severe nature. I also have no evidence to suggest that he might develop a mental illness in the future.

Sincerely yours,

G. W. CANTELON, M. D.

WINDSOR, ONTARIO, *July 25, 1952.*

Re Charles Grant John Giles, 1083 Howard Avenue, age 33.

AMERICAN CONSULATE OFFICE,  
*Windsor, Ontario.*

DEAR SIR: I examined the/above-named man in my office on the 25th of July, 1952. He stated that he was trying to obtain papers to enter the United States because his wife was a United States citizen, and that he was being held up because of a diagnosis of simple schizophrenia which was made while he was serving with the Canadian Army.

Patient was born in St. Austell, Cornwall, England, the 31st of January, 1919. Came to Canada at 4 years of age. Denies childhood illnesses, had a T. & A. at 19 years of age, denies any other operations or serious accidents. Completed 2½ years of technical school at 23 years of age. Was active in school in sports and played the trumpet in the school orchestra and band. Following his graduation from school he was with the Navy and the Army until 1945, and then for the following 7 years he worked in the S. W. & A., Windsor in the garage and maintenance, only recently leaving this job in order to go to Detroit. Married first in 1941, divorced in 1945, one child alive and well. Married again on the 22d of March 1952 to a woman 46 years of age. She is in good health. He likes fishing, manual labor, dancing, etc. Father 54 years of age, suffers from a heart condition, works at the Capital Theater, Windsor. Mother 52 years of age, in good health. He is the middle child in a family of three, an older sister and a younger brother, all alive and in good health.

Functional inquiry entirely negative. He first enlisted in the navy in 1940 No. V-19039; discharged in 1942 at his own request to do defense work. During this time he served overseas on a destroyer in the North Sea and North Atlantic and was taken off the ship because of a navy rule when his brother was posted to that ship. He was drafted in the army in 1942 No. A-117414. Saw service in England and was discharged in November 1945 as simple schizophrenia. He is quite concise and accurate in all his descriptions of these events.

On examination he was pleasant, friendly, and cooperative. Answers to questions were direct and to the point. According to routine tests his judgment and reasoning ability were quite adequate. He is of at least normal intelligence. There were no hallucinations nor delusions elicited. Nor could I get any history of these. There was no disassociation or preoccupation.

I could see no evidence of psychosis in this man at the present time. Further his work history would certainly tend to rule out a diagnosis of simple schizophrenia.

Yours very truly,

H. G. STRATTON, M. D.,  
*Diplomat of the American Board of  
Neurology and Psychiatry in Psychology.*

*H. R. 3177, by Mr. Marshall—Norvall Arnold Olson*

The beneficiary is a 19-year-old native and citizen of Canada who was admitted to the United States on parole in 1951 and resides with his parents, citizens of the United States, and four brothers and sisters in Minnesota. He was found ineligible for admission as an immigrant as one who is feeble-minded.

The pertinent facts in this case are contained in a letter dated June 19, 1957, from the Commissioner of Immigration and Naturalization to the chairman of the Committee on the Judiciary. That letter and accompanying memorandum read as follows:

DEPARTMENT OF JUSTICE,  
IMMIGRATION AND NATURALIZATION SERVICE,  
*Washington, D. C., June 19, 1957.*

HON. EMANUEL CELLER,  
*Chairman, Committee on the Judiciary,  
House of Representatives, Washington, D. C.*

DEAR MR. CHAIRMAN: In response to your request for a report relative to the bill (H. R. 3177) for the relief of Norvall Arnold Olson, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the St. Paul, Minn., office of this Service, which has custody of those files.

The bill would waive the provision of the Immigration and Nationality Act which excludes from admission into the United States aliens who are feeble-minded and would authorize the issuance of a visa and the alien's admission for permanent residence, if he is found to be otherwise admissible under that act. The bill would also require that a bond be deposited to insure that the alien shall not become a public charge. The bill does not specifically limit the exemption granted the beneficiary to grounds for exclusion of which the Department of State or the Department of Justice has knowledge prior to the date of its enactment.

Sincerely,

J. M. SWING, *Commissioner.*



MEMORANDUM OF INFORMATION FROM IMMIGRATION AND  
NATURALIZATION SERVICE FILES RE NORVALL ARNOLD  
OLSON, BENEFICIARY OF H. R. 3177

The beneficiary, a native and citizen of Canada, was born on March 28, 1938. He has never married, and lives with his parents on a farm near Deerwood, Minn.

Mr. Olson is not gainfully employed. He occupies himself at gardening and attending livestock. He has no income or assets and is completely dependent upon his parents. In addition to his parents, four brothers and sisters live in the United States.

The beneficiary was excluded from the United States at Ranier, Minn., on April 20, 1950, because he was feeble-minded. At that time, his parents and brothers and sisters were lawfully admitted for permanent residence and the beneficiary remained in Canada with an uncle and aunt. Relatives in Canada later resisted the responsibility of caring for him and, on September 8, 1951, the beneficiary was paroled into the United States under bond to insure that he did not become a public charge. He has since remained in the United States in a parole status.

The beneficiary is physically sound. He is capable of operating simple farm machinery and sometimes does odd jobs for neighbors. No objection to his presence in the community has been noted.

Mrs. Mildred Olson, the beneficiary's mother, first entered the United States on April 20, 1950, when she was admitted as an alien. In 1955, it was determined that she had acquired United States citizenship at birth through her parents. Mr. Olaf A. Olson, the beneficiary's father, became a naturalized citizen of the United States on June 11, 1956. They own a farm valued at about \$7,500, which is mortgaged in the amount of \$2,800. Income from the farm varies between \$1,000 and \$1,500 a year. The beneficiary's father is employed as a crush-plant operator by the Cuyuna Ore Co. at a salary of \$90 a week. His mother works as a cleaning woman. She has a weekly income of \$15. They estimate the value of their personal property and livestock at about \$4,000. They have stated that they will continue to provide a home and care and support for the beneficiary if he is permitted to live in the United States.

Mr. Marshall, the author of H. R. 3177, appeared before a subcommittee of the Committee on the Judiciary and testified in support of his bill, as follows:

Mr. Chairman, the privilege of appearing before this capable and hard-working committee is sincerely appreciated. I wish to thank you for this privilege. I am appearing in behalf of H. R. 3177, a bill I introduced for the relief of Norvall Arnold Olson.

When Norvall was quite young, a throat operation made more noticeable a speech defect. Because he talked peculiarly, the students in the schools he attended in Canada made him an object of ridicule. This had the tragic effect of making him dislike school, and built up a feeling of inferiority to the point where he was always self-conscious in the presence of strangers.

Norvall's parents are stable people, steady and hard working. Norvall's mother was a citizen of the United States. His father was a Canadian citizen, naturalized in 1956. Mrs. Olson's parents wanted the Olsons to come to the United States so as to be close to them and to have them take over their farming operations. Feeling that everything was in proper order, the Olsons sold their property in Canada and made arrangements to come to the United States. When they reached the border on April 20, 1950, Norvall's condition was noted and he was excluded from entry.

Mrs. Olson, particularly, was concerned about leaving Norvall, then a boy of 12, with relatives in Canada. The parents felt that the boy's mental condition was such that he could meet the requirements for entry. They agreed to have the boy examined by the Public Health Service officer at Winnipeg, Canada. At Winnipeg, Norvall took the examination, and again entrance was denied. It is possible that he did not make a good showing because of his self-consciousness. We then took the problem up with the Immigration and Naturalization Service, and Norvall was permitted entry on September 8, 1951, under bond. This Service has been most sympathetic and understanding. It was hoped that, by remaining in the family circle, Norvall would show such improvement that he could gain admittance in the regular manner. While he has made good progress, it has not been great enough to enable him to pass Public Health Service examinations. The Immigration and Naturalization Service has been willing to extend his right to remain in this country for 6 months at a time.

I have, personally, visited the nice home of the Olsons. Norvall has made considerable progress. He is an excellent worker. Presently, he is working on his parents' farm and doing odd jobs for the neighbors. He is trustworthy and reliable. While he is mentally backward, particularly as far as school is concerned, he is in no danger of becoming a public charge. In all likelihood, Norvall and his brothers and sisters will live close to each other all their lives. In order that Norvall may remain here to make the family circle complete, I urge this committee to give favorable consideration to the bill, H. R. 3177.

*H. R. 3298, by Mr. Lipscomb—Joerg Baxter*

The beneficiary is a 14-year-old native and citizen of Germany. His stepfather is a United States-citizen serviceman and his mother is a lawfully resident alien in the United States. The beneficiary has

been found ineligible for admission to the United States because of an affliction with epilepsy.

As introduced, this legislation also provided for a waiver of section 212 (a) (6) of the Immigration and Nationality Act in behalf of the beneficiary's sister. However, the need for such legislation in her case has been obviated by the enactment of Public Law 85-316.

The pertinent facts in this case are contained in letters from the Commissioner of Immigration and Naturalization, dated June 6, 1957, and February 6, 1958, to the chairman of the Committee on the Judiciary, which read as follows:

DEPARTMENT OF JUSTICE,  
IMMIGRATION AND NATURALIZATION SERVICE,  
*Washington, D. C., June 6, 1957.*

HON. EMANUEL CELLER,  
*Chairman, Committee on the Judiciary,*  
*House of Representatives, Washington, D. C.*

DEAR MR. CHAIRMAN: In response to your request for a report relative to the bill (H. R. 3298) for the relief of Ingrid and Joerg Baxter, there is attached a memorandum of information concerning the beneficiaries. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiaries by the Denver, Colo., office of this Service, which has custody of those files.

The bill would confer nonquota status upon the alien children, pursuant to sections 101 (a) (27) (A) and 205 of the Immigration and Nationality Act, by providing that the beneficiaries shall be considered the natural-born alien children of a United States citizen. The bill would also waive the provisions of the Immigration and Nationality Act which exclude from admission into the United States aliens who are feeble-minded, aliens afflicted with psychopathic personality, epilepsy, or a mental defect, and aliens who are afflicted with tuberculosis in any form, or with leprosy, or any dangerous contagious disease, and would provide that the aliens may be issued visas and admitted to the United States for permanent residence, if they are found to be otherwise admissible under the provisions of that act, upon compliance with such conditions and controls as the Attorney General, after consultation with the Surgeon General of the United States Public Health Service, Department of Health, Education, and Welfare, may deem necessary to impose. The bill would also require that a bond be deposited to insure that the aliens shall not become public charges. The bill does not specifically limit the exemption granted the beneficiaries to grounds for exclusion of which the Department of State or the Department of Justice has knowledge prior to the date of enactment of the bill.

It appears that the beneficiaries are eligible for nonquota status in the issuance of immigrant visas under the provisions of section 101 (a) (27) (A) of the Immigration and Nationality Act since they are stepchildren as defined by section 101 (b) (1) (B) of that Act.

Sincerely,

J. M. SWING, *Commissioner.*

## MEMORANDUM OF INFORMATION FROM IMMIGRATION AND NATURALIZATION SERVICE FILES RE INGRID AND JOERG BAXTER, BENEFICIARIES OF H. R. 3298

Information concerning the case was obtained from Francis Condie Baxter, the stepfather of the beneficiaries.

Ingrid and Joerg Baxter, natives and citizens of German, were born on March 18, 1939, and December 4, 1943, respectively. They have never been in the United States. They reside in Heilbronn, Germany, where they are supported by funds furnished by their mother and stepfather, who live at 1012 Norwood Avenue, Stratton Meadows, Colorado Springs, Colo. The beneficiaries have no other relatives in the United States and they have no relatives in their native country.

Marie Elizabeth Baxter, nee Schlorke, the beneficiaries' mother, was married to Francis Condie Baxter, a citizen of the United States, at Frankfurt, Germany, on October 22, 1955. She was admitted to the United States for permanent residence at New York, N. Y., on November 14, 1956, as a nonquota immigrant. Mrs. Baxter's first husband, Karl Weber, was killed in action on June 23, 1944, while he was serving in the German Army. The beneficiaries are the issue of this marriage. She was divorced from her second husband, Waldimar Baumann, on January 15, 1954. Her present husband adopted the beneficiaries on July 10, 1956, in the amtsgericht (district court) at Heilbronn, Germany.

Francis Condie Baxter was born on September 4, 1930, at Los Angeles, Calif. He has served in the United States Army continuously since November 7, 1947, except for the period from December 1949 to January 1951. He last returned to the United States on November 14, 1956, following service in Germany. At present he is serving as a sergeant at Fort Carson, Colo., with Headquarters and Headquarters Company, 60th Infantry Regiment, 9th Division. His Army pay, with allowances, is \$320 a month. Mr. and Mrs. Baxter have assets in the United States, including an automobile, household furnishings, personal effects, and equity in real estate, totaling approximately \$13,500.

According to Sergeant Baxter, the beneficiaries were refused visas in October 1956 at Munich, Germany, by the American consulate general, who stated that under the provisions of section 212 (a) of the Immigration and Nationality Act the beneficiaries were ineligible to receive visas. Sergeant Baxter stated that the reasons given him for the denials were that Ingrid had a calcified spot over the left hilus and Joerg was afflicted with symptomatic epilepsy. The committee may desire to request the Bureau of Security and Consular Affairs, Department of State, to secure information in this connection.

DEPARTMENT OF JUSTICE,  
IMMIGRATION AND NATURALIZATION SERVICE,  
Washington, D. C., February 6, 1958.

HON. EMANUEL CELLER,  
*Chairman, Committee on the Judiciary,*  
*House of Representatives, Washington, D. C.*

DEAR MR. CHAIRMAN: This refers to the report furnished by this Service to the committee on June 6, 1957, relative to Ingrid and Joerg Baxter, beneficiaries of H. R. 3298, 85th Congress.



The female beneficiary, Ingrid Baxter, may qualify for relief under section 6 of Public Law 85-316. The committee will be advised when relief is granted. If denied, an appropriate report will be furnished.

Sincerely,

J. M. SWING, *Commissioner.*

The Director of the Visa Office, Department of State, submitted the following report on this bill:

DEPARTMENT OF STATE,  
*Washington, June 11, 1957.*

Hon. EMANUEL CELLER,  
*Chairman, Committee on the Judiciary,*  
*House of Representatives.*

DEAR MR. CELLER: I refer to your letter of February 27, 1957, requesting a report in the cases of Ingrid and Joerg Baxter, beneficiaries of House Resolution 3298, 85th Congress, introduced by Mr. Lipscomb on January 17, 1957.

A report dated April 18, 1957, has been received from the American consulate general at Munich, Germany, containing the following information regarding these children:

"A medical examination of the children on September 5, 1956, by the chief medical officer of our Public Health Service determined that Ingrid Baxter is inadmissible to the United States because of tuberculosis, and Joerg Baxter is inadmissible because of epilepsy. There is nothing in our records to indicate that the children would not be eligible for visas if the bill is enacted in their behalf."

Sincerely yours,

ROLLAND WELCH,  
*Director, Visa Office.*

Mr. Lipscomb, the author of H. R. 3298, appeared before a subcommittee of the Committee on the Judiciary and testified in support of his bill, as follows:

Mr. Chairman, Ingrid (age 17) was born in Halle/Saale on March 18, 1939, and Joerg (age 13) was born in Chemnitz on December 4, 1943. Their father, Karl Weber, was killed in action in 1944. Their mother, Marie Elisabeth (nee Schlorke) remarried Sp3c. Francis C. Baxter, who was serving with the United States Army in Germany. Both children were adopted through recognized official channels by Specialist Third Class Baxter, and approval of said adoption was granted by both the American Army and the German civil court. The final adoption decree was granted in 1956.

These children are medically excludable under the provisions of paragraphs (1), (4), and (6) of section 212 (a) of the Immigration and Nationality Act. A medical examination of the children on September 5, 1956, by the chief medical officer of the Public Health Service determined that Ingrid Baxter was inadmissible to the United States because of tuberculosis, and Joerg Baxter was inadmissible because of epilepsy.

Ingrid may qualify for relief under section 6 of Public Law 85-316, but the parents do not desire the children to be separated. Joerg is at present attending the school for epileptic children near Stettin, Germany. He is doing well in grades and has not had a seizure for over a year.

Specialist Third Class Baxter is still with the Regular United States Army, and presently stationed at Camp Carson, Colo. He and Mrs. Baxter are acquiring property in Colorado Springs, Colo., and are ready and able to support and care for both children as soon as admission to the United States is granted.

Mr. Baxter has filed a visa application for Ingrid and Joerg with the American consulate in Munich, Germany. The children are presently living at 78 Garten Strasse, Heilbronn am/Neckar, West Germany.

*H. R. 3314, by Mr. Sheehan—Herman Shin Gee Chiu*

The beneficiary is a 37-year-old native and citizen of China who is the son of a United States citizen. He resides in Hong Kong with his wife and child. He applied for a visa under the Refugee Relief Act of 1953, as amended, and according to his father, was refused a visa because of false statements on his preliminary application.

The pertinent facts in this case are contained in a letter dated May 20, 1957, from the Commissioner of Immigration and Naturalization to the chairman of the Committee on the Judiciary. That letter and accompanying memorandum read as follows:

DEPARTMENT OF JUSTICE,  
IMMIGRATION AND NATURALIZATION SERVICE,  
*Washington, D. C., May 20, 1957.*

Hon. EMANUEL CELLER,

*Chairman, Committee on the Judiciary,  
House of Representatives, Washington, D. C.*

DEAR MR. CHAIRMAN: In response to your request for a report relative to the bill (H. R. 3314) for the relief of Herman Shin Gee Chiu there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the Chicago, Ill., office of this service, which has custody of those files.

The bill would waive the provisions of the Immigration and Nationality Act which exclude from admission into the United States aliens who seek to procure, or have sought to procure, or have procured a visa or other documentation, or seek to enter the United States, by fraud, or by willfully misrepresenting a material fact, and would permit the beneficiary to enter the United States for permanent residence if he is found to be otherwise admissible. The bill also provides that this exemption shall apply only to a ground for exclusion of which the Department of State or the Department of Justice has knowledge prior to the date of enactment.

Sincerely,

J. M. SWING, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND  
NATURALIZATION SERVICE FILES RE HERMAN SHIN GEE  
CHIU, BENEFICIARY OF H. R. 3314

Information concerning the case was obtained from Mr. James C. Chiu, the beneficiary's father.

The beneficiary, Herman Shin Gee Chiu, a native and citizen of China and of the Chinese race, was born on November 13, 1920. He married Virginia Lau, a native and citizen of China, in 1948 in Hong Kong. Their only child, son, resides with them at 456 Nathan Road, Kowloon, Hong Kong.

The beneficiary is employed in Hong Kong as the principal of St. Paul's College. He received the degree of doctor of science in 1946 from Massachusetts Institute of Technology. Information concerning his assets is not available. His mother resides in China.

The beneficiary entered the United States as a student in September 1938, at Seattle, Wash. He returned to China in March 1947. According to his father, he was refused an immigrant visa in 1956 by the United States consul in Hong Kong, because of false statements on his preliminary application. The committee may desire to request the Bureau of Security and Consular Affairs, Department of State, to secure information in this connection.

Mr. James C. Chiu, also known as Chiu Chi Sin, entered the United States on December 1, 1921, and was naturalized on February 9, 1954, at Chicago, Ill. He married Lum Shee, the beneficiary's mother, in 1919 in Canton, China. Mr. Chiu is the owner of China Farm Stores in Chicago, Ill. He has savings of \$30,000 and property valued at about \$130,000. He stated that he will support the beneficiary if he is permitted to enter the United States.

The Director of the Visa Office, Department of State, submitted a report on this legislation on June 11, 1957, which is printed below.

DEPARTMENT OF STATE,  
Washington, June 11, 1957.

Hon. EMANUEL CELLER,  
*Chairman, Committee on the Judiciary,  
House of Representatives.*

DEAR MR. CELLER: I refer to your letter of February 27, 1957, requesting a report in the case of Herman Shin Gee Chiu, beneficiary of H. R. 3314, 85th Congress, introduced by Mr. Sheehan on January 17, 1957.

A report dated April 25, 1957, has been received from the consulate general at Hong Kong indicating that, in connection with an application for a visa under the refugee-relief program, Mr. Chiu made certain misstatements regarding his parents. It has not been entirely clear whether these statements were misrepresentations and whether they related to material matters with reference to the parents' identity

or whereabouts. If an unfavorable conclusion is reached, Mr. Chiu would be ineligible for a visa under section 212 (a) (19) of the Immigration and Nationality Act. This ground of ineligibility would be removed by the enactment of H. R. 3314.

However, in view of the oversubscribed condition of the Chinese quota, the consul would not take action upon Mr. Chiu's visa application for an indeterminate period of, possibly, many years, unless the bill should be amended in a manner to permit prompt action to be taken in the case.

Sincerely yours,

ROLLAND WELCH,  
*Director, Visa Office.*

With reference to the last paragraph of the above-quoted letter, the committee wishes to stress the fact that it is not their policy to take intending immigrants out of turn on the quota waiting lists by the enactment of private legislation. In this case they believe that the ground for inadmissibility should be waived in behalf of the beneficiary, thus placing him in a position to enter the United States at such time as a quota number is available for his use, or as a refugee-escapee if he is able to establish that status within the meaning of the term as defined in section 15 of Public Law 85-316.

Mr. Sheehan, who appeared before a subcommittee of the Committee on the Judiciary and testified in support of his bill, submitted the following statement to the committee:

Gentlemen, the following is in support of my private bill H. R. 3314 (introduced January 17, 1957) on behalf of Herman Shin Gee Chiu.

Mr. Chiu entered the United States on September 19, 1938, on a student visa. He attended Riverdale County School in New York City.

He was admitted to the University of Michigan in 1939. In 1943, he received a degree of bachelor of science in chemical engineering.

From 1943 to 1947, he attended the Institute of Technology (Massachusetts), where he received his master's degree in chemical engineering.

When he returned to China in 1947, he assumed professorship in a leading Chinese university until the approach of Communist armies, when he and his family fled to Hong Kong.

It is my understanding that Mr. Herman Shin Gee Chiu has a position arranged for him upon his entrance into the United States.

Mr. Herman Shin Gee Chiu was born November 13, 1920; is a Chinese citizen and native; is married and has one son. He was denied visa because of false statements on preliminary application.

*H. R. 5971, by Mr. Fino—Heinz Kohn*

The beneficiary is a 49-year-old native and citizen of Germany who resides in that country with his wife. He has been found inadmissible to the United States because of convictions in China in 1941 of misappropriation and fraud in presenting invalid, customer receipts and



in 1942 for writing a check without sufficient funds, for which he served a sentence of 2 months. His wife appears to be eligible to immigrate to the United States. His only other close relative is his brother, a United States citizen.

The pertinent facts in this case are contained in a letter dated July 1, 1957, from the Commissioner of Immigration and Naturalization to the chairman of the Committee on the Judiciary. That letter and accompanying memorandum read as follows:

DEPARTMENT OF JUSTICE,  
IMMIGRATION AND NATURALIZATION SERVICE,  
*Washington, D. C., July 1, 1957.*

HON. EMANUEL CELLER,  
*Chairman, Committee on the Judiciary,  
House of Representatives, Washington, D. C.*

DEAR MR. CHAIRMAN: In response to your request for a report relative to the bill (H. R. 5971) for the relief of Heinz Kohn, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the New York, N. Y., office of this Service, which has custody of those files.

The bill would waive the provision of the Immigration and Nationality Act which excludes from admission into the United States aliens who have been convicted of a crime involving moral turpitude, or who admit having committed such a crime, or who admit committing acts which constitute the essential elements of such a crime, and would authorize the issuance of a visa to the alien and his admission for permanent residence, if he is otherwise admissible under that act. The bill further provides that this exemption shall apply only to a ground for exclusion of which the Department of State or the Department of Justice had knowledge prior to its enactment.

Sincerely,

J. M. SWING, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND  
NATURALIZATION SERVICE FILES RE HEINZ KOHN, BENE-  
FICIARY OF H. R. 5971

Information concerning this case was furnished by Walter Kohn, the beneficiary's brother, who is the sponsor of the bill.

The beneficiary, Heinz Kohn, is a native and citizen of Germany, who was born on May 27, 1908. He has never been in the United States. He resides in Munich, Germany, with his spouse, Margo Kohn, nee Levy, to whom he was married in 1938. The beneficiary resided in Shanghai, China, from 1939 to 1946 when he returned to Germany. He is presently a self-employed claims agent representing individuals who have indemnity claims against the German Government. The sponsor is his only close living relative.

The beneficiary was twice arrested in Shanghai, China. In 1941 he was found guilty of misappropriation of funds and fraud and was placed on probation after being sentenced to 2 months' imprisonment and in 1942 he was found in default of his probation and was required to serve his 2 months'

prison sentence, after he was found guilty of passing a worthless check. The sponsor stated that the beneficiary was refused an immigrant visa by the American consul at Munich, Germany, in 1954 because of this criminal record. The committee may desire to request the Bureau of Security and Consular Affairs, Department of State, to obtain information in this connection.

The sponsor was born in Berlin, Germany, on May 19, 1910. He was admitted to the United States for permanent residence on October 30, 1938, and became a naturalized United States citizen on June 13, 1944. He resides at 3611 Henry Hudson Parkway, New York City, with his wife and child. Mr. Kohn is president of the Ambassador Lace & Embroidery Co. in Union City, N. J. His assets total approximately \$50,000.

Private bills H. R. 10086 and H. R. 1999, previously introduced in behalf of the beneficiary on July 27, 1954, in the 83d Congress and on January 10, 1955, in the 84th Congress, respectively, failed of enactment.

The Director of the Visa Office, Department of State, submitted the following report on this legislation:

DEPARTMENT OF STATE,  
Washington, D. C., March 28, 1955.

Hon. EMANUEL CELLER,  
*Chairman, Committee on the Judiciary,*  
*House of Representatives.*

DEAR MR. CELLER: Reference is made to your letter of February 25, 1955, and its enclosures, wherein you requested a report of the facts in the case of Heinz Kohn, beneficiary of H. R. 1999, 84th Congress, 1st session.

It appears from information contained in the Department's files that Mr. Kohn was arrested in China in 1941 for misappropriation and fraud and in 1942 for fraud. For the first offense, for which Mr. Kohn was charged with presenting his agent, while in Shanghai, with invalid customer receipts ostensibly for the purpose of winning time to pay back his debts, he was sentenced to 2 months' imprisonment but was released on probation. For the second offense, for which Mr. Kohn was charged with having written a check to provide an acquaintance with collateral for a certain business deal, without having covering funds on account, he was found to have been in default of his probation and required to serve the sentence of 2 months' imprisonment.

As misappropriation and fraud have been held to constitute crimes involving moral turpitude within the meaning of section 212 (a) (9) of the Immigration and Nationality Act, the alien would be ineligible to receive a visa and would be excludable from admission into the United States under the section of law referred to. As a consequence, the responsible consular officer would have no choice other than to refuse to issue a visa to Mr. Kohn.

At this time the Department has no knowledge of any factor in Mr. Kohn's case, other than the information hereinbefore cited, which would render him ineligible to receive an immigrant visa. However, it should be borne in mind that any other ground of ineligibility which

may come to light prior to visa issuance would preclude Mr. Kohn from receiving a visa.

Sincerely yours,

ROLLAND WELCH,  
*Director, Visa Office.*

Mr. Fino, the author of H. R. 5971, submitted the following statement in support of his bill:

STATEMENT IN SUPPORT OF PRIVATE BILL FOR THE RELIEF  
OF HEINZ KOHN

Heinz Kohn was born in Germany, where he now resides. Praying for admission to the United States as an immigrant, his visa application was denied on the basis of section 212 (a) (9) of the Immigration and Nationality Act.

Being of the Jewish faith, Heinz Kohn was forced to flee Germany under the Nazis, and found refuge in Shanghai, China. It was there that the circumstances leading to application by the executive of the section of the Immigration and Nationality Act, referred to above, arose. The circumstances were as follows:

Heinz Kohn established a food and vegetable business in Shanghai, for which one Henrik Jami acted as factor. Because of losses incurred by Heinz Kohn when a few shipments of perishable food spoiled, and in order not to jeopardize his relationship with Mr. Jami, upon whom he had to rely, he presented customer receipts to Mr. Jami, which were not correct in that they purported to be for shipments received by customers in full, whereas, because of spoilage they had only been accepted and paid in part. He neither attempted to receive nor received any financial gains from these acts, and there was no intention to defraud.

Immediately upon finding out that some of the food had not in fact been paid for, Mr. Jami, in anger, made a complaint to the local authorities in Shanghai. Although he tried to withdraw the complaint on the day next following, this could not be done under the laws of China, and the court convicted Mr. Heinz Kohn and imposed a suspended sentence of 2 months.

Some time subsequent, at the request of one Hans Lewenbach, Heinz Kohn, urged on by the former's entreaties and for no other reason than to accommodate Mr. Lewenbach, Heinz Kohn gave a check to Mr. Lewenbach, stating to him at the same time that he at that time had insufficient funds on deposit to cover this check. Mr. Lewenbach, in spite of having given his word not to use the check without clearing with Heinz Kohn, used this check. On the complaint of the aggrieved party, the Chinese authorities determined that by accommodating Mr. Lewenbach in this manner Heinz Kohn had violated his probation, and he was thereupon ordered to serve the previously imposed sentence of 2 months.

Petitioner, Heinz Kohn, attempted, in 1946 or 1947 in Shanghai, to have his conviction set aside, but he was

unsuccessful in that the record thereof could not be found by the local Chinese authorities involved.

In praying for passage of this bill to waive section 212 (a) (9) of the Immigration and Nationality Act, it is submitted:

(1) It has not been possible for petitioner to set aside or void his conviction, because the records thereof could not be located.

(2) It is not now possible to set aside or void the conviction or to obtain an executive pardon by the authorities of China, that country being now under Communist control and domination.

(3) His offense did not involve any animus furandi, i. e., any intent to defraud innocent third parties.

(4) His offense was at most a petty one and no fraud or moral turpitude was involved.

(5) Heinz Kohn has submitted numerous statements testifying to his honesty, among others, from the Shanghai representative of the Young Men's Christian Association of the United States, Mrs. J. C. Oliver; from the principal of the College of St. Joan d'Arc in Shanghai, Brother Louis Theodat; from Mr. John Dorset; from Mr. Jami, aforementioned, who continued his business relations with Heinz Kohn, as well as from various representatives of the American Joint Distribution Committee, by whom Heinz Kohn was entrusted with the financial affairs of the displaced persons camps, in which he was living in Germany after the War, all of which we presume to be in his file.

(6) Finally, that Heinz Kohn is now in Germany, from which country he had to flee because of persecution under the Nazis, and who killed his mother; that life in that country is accordingly very painful to him; that he has only one surviving brother, to wit: Walter Kohn, a citizen of the United States and a resident of the State of New York, with whom he urgently prays to be allowed to live, and who will vouch for him.

*H. R. 8666, by Mr. Ford—Jacob Ype Harms*

The beneficiary is a 9-year-old child who is a native and citizen of the Netherlands and resides in that country with his parents and 2 brothers, all of whom appear to be eligible to immigrate to the United States, but are reluctant to do so unless the beneficiary could accompany them. The beneficiary has been found inadmissible to this country as one who is feeble-minded. His grandparents are citizens of the United States and reside in this country.

The pertinent facts in this case are contained in a letter dated November 15, 1957, from the Commissioner of Immigration and Naturalization to the chairman of the Committee on the Judiciary. That letter and accompanying memorandum read as follows:



DEPARTMENT OF JUSTICE,  
IMMIGRATION AND NATURALIZATION SERVICE,  
*Washington, D. C., November 15, 1957.*

HON. EMANUEL CELLER,  
*Chairman, Committee on the Judiciary,  
House of Representatives, Washington, D. C.*

DEAR MR. CHAIRMAN: In response to your request for a report relative to the bill (H. R. 8666) for the relief of Jacob Ype Harms, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the Detroit, Mich., office of this Service, which has custody of those files.

The bill would waive the provision of the Immigration and Nationality Act, which excludes from admission into the United States, aliens who are feeble-minded and would authorize the beneficiary's admission for permanent residence if he is found to be otherwise admissible. It would also require that a bond be deposited to insure that the beneficiary shall not become a public charge. The bill does not specifically limit the exemption granted the beneficiary to grounds for exclusion known to the Department of State or the Department of Justice prior to the date of its enactment.

Sincerely,

J. M. SWING, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND  
NATURALIZATION SERVICE FILES RE JACOB YPE HARMS,  
BENEFICIARY OF H. R. 8666

Information concerning the case was obtained from Grace Viersen, the beneficiary's grandmother.

The beneficiary, a native and citizen of the Netherlands, was born on March 7, 1949. He lives with his parents and two brothers in the Netherlands.

The beneficiary has never been in the United States. According to his grandmother, he was refused an immigrant visa by the United States consul at Rotterdam, the Netherlands, in 1954, because he was feeble-minded. He suffers from a congenital brain injury. The committee may desire to request the Bureau of Security and Consular Affairs, Department of State, to secure information in this connection. It is reported that immigrant visas were available to the beneficiary's parents and brothers in 1954, but they did not wish to emigrate unless he could accompany them. All members of the family are natives and citizens of the Netherlands.

The beneficiary's grandmother and her husband, Jacob Viersen, are natives and citizens of the Netherlands. They entered the United States for permanent residence in 1949 and became naturalized citizens of this country in 1954. Mr. Viersen is employed by the Blackport Packing Co.,

Grand Rapids, Mich., as a meatcutter. He earns \$90 a week. They own a home valued at \$13,500, have \$5,000 savings, and own other personal property valued at \$6,000. Mr. and Mrs. Viersen have stated that they are willing to deposit a bond to insure that the beneficiary shall not become a public charge.

The Director of the Visa Office, Department of State, submitted the following report on this legislation:

DEPARTMENT OF STATE,  
*Washington, January 6, 1953.*

Hon. EMANUEL Celler,  
*Chairman, Committee on the Judiciary,  
House of Representatives.*

DEAR MR. CELLER: I refer to your letter of July 17, 1957, requesting a report in the case of Jacob Ype Harms, beneficiary of H. R. 8666, 85th Congress, introduced by Mr. Ford on July 11, 1957.

A report received from the American consulate general at Rotterdam, Netherlands, states, in part, as follows:

"Mr. Hendrik Klaas Harms registered for immigration to the United States under the Netherlands quota on May 10, 1954. His registration included his wife and 3 minor children, 1 of whom is Jacob Ype Harms. In May 1955, Mr. and Mrs. Harms requested that their cases be considered under the Refugee Relief Act of 1953. On June 17, 1955, the family was invited to the consulate general for medical examination and submission of their formal visa application. Medical clearance of Jacob Ype Harms was withheld by the United States Public Health Service doctor assigned to the consulate general because the child appeared to be afflicted with a mental defect. On October 25, 1955, Dr. Robert A. Esser, a United States Public Health Service psychiatrist assigned to the United States Embassy at Paris examined the child at Rotterdam upon which he issued a class A medical certificate. Three copies of this medical certificate are enclosed. On November 16, 1956, the child was again examined by Dr. Esser who again issued a class A certificate. Three copies of this certificate are also enclosed. The consulate general formally refused an immigrant visa to Jacob Ype Harms on November 26, 1956, under section 212 (a) (1) of the Immigration and Nationality Act.

"There is no other information contained in the subject's file or that of his family which might preclude the issuance of immigrant visas to them should H. R. 8666 be enacted."

Copies of the medical certificates are enclosed in duplicate.

Sincerely yours,

JOSEPH S. HENDERSON,  
*Director, Visa Office.*

## DEPARTMENT OF STATE

## FOREIGN SERVICE OF THE UNITED STATES OF AMERICA

## MEDICAL EXAMINATION OF VISA APPLICANTS

AMERICAN CONSULATE GENERAL,  
*October 25, 1955.*

At the request of the American consul at Rotterdam, the Netherlands, I certify that on the above date I examined Jacob Ype Harms, age, 6; sex, male.

My examination, including the X-ray and other reports below, revealed: (2) Defect, disease, or disability, or previous occurrence of one or more attacks of insanity, as follows (give class—A, B, or C—diagnosis, and pertinent details): 25-10-55 class A, feeble-mindedness, mental deficiency, idiopathic moderate 000-y902.

ROBERT A. ESSER, M. D.

## DEPARTMENT OF STATE FOREIGN SERVICE OF THE UNITED STATES OF AMERICA

## MEDICAL EXAMINATION OF VISA APPLICANTS

AMERICAN CONSULATE GENERAL,  
*November 16, 1956.*

At the request of the American consuls at Rotterdam, the Netherlands, I certify that on the above date I examined Jacob Ype Harms, age 7; sex, male.

My examination, including the X-ray and other reports below, revealed: (2) Defect, disease, or disability, or previous occurrence of one or more attacks of insanity, as follows (give class—A, B, or C—diagnosis, and pertinent details): 16-11-56 class A, feeble-mindedness, mental deficiency, idiopathic, moderate, 000-y902.

This should be considered as a continuously existing process, and there is no need for further examinations, unless medical evidence is first presented that the state should no longer exist (this is very, very unlikely).

ROBERT A. ESSER, M. D.

Mr. Ford, the author of H. R. 8666, appeared before a subcommittee of the Committee on the Judiciary and testified in support of his bill, as follows:

It is a pleasure for me to appear before this committee in support of H. R. 8666, a bill for the relief of Jacob Ype Harms.

Mr. and Mrs. Jacob Viersen reside in the city of Grand Rapids, Mich., which is in my congressional district. They are the grandparents of Jacob Ype Harms. Mr. and Mrs. Viersen were born in the Netherlands and came into this country on June 28, 1948, entering at the port of New York. Two of their children, Ike Viersen and Katherine Viersen Holwerda, came with them. Mr. and Mrs. Viersen as well as their son and daughter are now citizens of the United States. There remains of this family two daughters who are in the Netherlands—Mrs. Janka Schuitema and Mrs. Boukje Harms.

Mrs. Boukje Harms, age 34, is married to Hank K. Harms, age 39. They have 3 children: Hendrik Harms, age 12; Jacob Ype Harms, age 8, and Dick Harms, age 6.

This family has been desirous of entering the United States for many years. Visas have been granted to the husband, to the wife and to two of the children, Hedrik and Dick. Jacob, age 8, has been denied a visa on medical grounds because of a mental deficiency.

The committee will be interested to know that Mr. and Mrs. Harms have provided the best medical attention they could afford in the Netherlands for Jacob. They inform me that he is attending school and is making substantial progress.

Mr. Harms is a police officer in the Netherlands. He has also completed schooling and has received a diploma as a mechanic. I am told that both Mr. and Mrs. Harms as well as two of the children already have a working knowledge of the English Language.

Mr. and Mrs. Jacob Viersen inform me that their son-in-law will have no difficulty in securing employment in Grand Rapids, Mich. Mr. and Mrs. Viersen have also signed affidavits of support for the entire family.

Under these circumstances, I urge this committee to give favorable consideration to the passage of this bill. As I stated previously, visas have been granted to the whole family. It is a mark of tribute to Mr. and Mrs. Harms that they have refused to leave their son in the Netherlands.

I call special attention to the fact that Mrs. Harms is expecting another child. She is extremely anxious to have the child born in the United States. We are certain this family will make outstanding American citizens if given the opportunity to come to this country with Jacob.

*H. R. 8856, by Mr. Hagen—Emilia Montijo de Mendez, nee Montijo-Zabalza*

The beneficiary is a 43-year-old native and citizen of Mexico who is the wife of a lawfully resident alien of the United States and the mother of their 2 United States citizen children. She was admitted to the United States for permanent residence in 1922 and in 1953 on returning from a visit to Mexico she was admitted on a false claim to United States citizenship. She was apprehended later the same day and was found to have transported an alien from Mexico in her car for gain.



The pertinent facts in this case are contained in a letter dated December 5, 1957, to the chairman of the Committee on the Judiciary from the Commissioner of Immigration and Naturalization. That letter and accompanying memorandum read as follows:

DEPARTMENT OF JUSTICE,  
IMMIGRATION AND NATURALIZATION SERVICE,  
*Washington, D. C., December 5, 1957.*

Hon. EMANUEL CELLER,  
*Chairman, Committee on the Judiciary,  
House of Representatives, Washington, D. C.*

DEAR MR. CHAIRMAN: In response to your request for a report relative to the bill (H. R. 8856) for the relief of Mrs. Emilia Mantijo de Mendez, there is attached a memorandum of information concerning the beneficiary. This memorandum has been prepared from the Immigration and Naturalization Service files relating to the beneficiary by the Los Angeles, Calif., office of this Service, which has custody of those files. According to the records of this Service, the beneficiary's correct name is Emilia Montijo de Mendez.

The bill would provide that the beneficiary may be issued a visa and admitted to the United States for permanent residence if she is admissible under the provisions of the Immigration and Nationality Act other than as an alien who has been arrested and deported and to whom the Attorney General has not consented to her reapplying for admission and as an alien who has, knowingly and for gain, encouraged, induced, assisted, abetted or aided any other alien to enter the United States in violation of law.

Sincerely,

J. M. SWING, *Commissioner.*

MEMORANDUM OF INFORMATION FROM IMMIGRATION AND  
NATURALIZATION SERVICE FILES RE MRS. EMILIA MANTIGO  
DE MENDEZ, BENEFICIARY OF H. R. 8856

Emilia Mantijo de Mendez, whose correct name is Emilia Montijo de Mendez, nee Montijo-Zabalza, also known as Millie Miller, Emilia Mendez, and Emilia Hernandez, a native and citizen of Mexico, was born on May 22, 1914. She was married to Alfonso Mendez-Marron at Bakersfield, Calif., on June 27, 1952. They have 2 children, native United States citizens, 5 and 2 years of age. The family lives at 1486 Aguascaliente Boulevard, Tijuana, Mexico. The beneficiary lived in a common-law relationship with Miguel Hernandez during 1931 in Bakersfield, Calif., and a son was born to them there. She was married to Christy L. Miller in that city on September 25, 1935. They were divorced on March 14, 1951. Two children, native citizens of the United States, were born to them in 1935 and 1936. The children live in Bakersfield and are self-supporting. Mrs. Montijo de Mendez completed elementary school and 2 years of high school in El Centro, Calif. Her sister lives in Bakersfield, Calif. Her parents are deceased. She and her two minor children are dependent upon her husband for

support. He is employed by the Griffith Co., in San Diego, Calif., as a laborer at a salary of \$100 a week. They have assets valued at \$2,000, consisting of furniture and a car.

The beneficiary was admitted to the United States for permanent residence on August 22, 1922. On September 14, 1953, she departed to Mexico for a visit, and while there arranged to assist an alien to enter this country illegally and to transport him in her car to Claramont, Calif. She returned to the United States on September 20, 1953, at San Ysidro, Calif., and was admitted upon her false claim to United States citizenship. Later that day she and the alien were apprehended en route by officers of this Service and deportation proceedings in her case were instituted. The United States attorney at Los Angeles, Calif., declined criminal prosecution, and she was deported to Mexico on July 7, 1954, on the ground that she had, knowingly and for gain, assisted an alien to enter the United States in violation of law.

Alfonso Mendez-Marron, also known as Transito Olivares, the beneficiary's husband, a native and citizen of Mexico, was born on April 19, 1923. He lived in a common-law relationship with Refugio Olivares in Mexico from about 1939 to 1944. Three children were born of the relationship in Mexico and reside in that country with their mother. Their means of support, other than \$45 a year supplied by their father, is unknown. Mr. Mendez-Marron first entered the United States in 1944 as a contract laborer and returned to Mexico at the expiration of his contract. Since that time he has been apprehended on five occasions by this Service for illegal entry and permitted to depart without the institution of deportation proceedings. On August 8, 1953, he was deported on the grounds that he had entered without inspection on October 8, 1952, and was an immigrant not in possession of an immigrant visa. Permission to reapply for admission after deportation was granted on March 23, 1956, and he was admitted to the United States for permanent residence on June 27, 1956.

Mr. Hagen, the author of H. R. 8856, appeared before a subcommittee of the Committee on the Judiciary and testified in support of his bill, as follows:

Mr. Chairman, thank you for the privilege of appearing before you in support of my bill, H. R. 8856. My interest in this case is based on humanitarian aspects.

A recital of the facts would be in order. Mrs. de Mendez was married to Alfonso Mendez-Marron in Bakersfield, Calif., in 1952. Subsequently, in May 1953, the husband was deported to Mexico on the ground that he had entered without appropriate inspection. His wife, the beneficiary of H. R. 8856, proceeded to Tijuana, Mexico, on several occasions to visit him. Shortly after returning from such a visit on September 20, 1953, she was apprehended and charged with aiding a Mexican alien to enter this country. Mrs. de Mendez admitted to immigration authorities that she picked up the alien in her automobile on this side of the border but

denied aiding the illegal entry. She was subsequently deported by the Immigration Service. Meanwhile in 1956, the husband, Alfonso Mendez-Marron, sought and was granted permission to reapply for admission to the United States and was admitted. The husband and their 2 minor children, aged 2 and 5, now reside in San Ysidro, Calif., and Mrs. de Mendez' adult son and daughter by a previous marriage reside in Bakersfield. Her parents are deceased.

It can be readily seen from the above recital that a severe hardship is being inflicted upon both Mrs. de Mendez and her two minor children by reason of her deportation. She has made several applications for permission to reapply for entry but they have all been rejected.

It should be noted that Mrs. de Mendez sought permission to reapply for entry on several occasions between 1953 and 1956—the period in which her husband was in Mexico. At this time her children were residing with an adult son in Bakersfield.

In the interests of justice it would seem proper to me that she be permitted to reenter this country to join her two young children in order that they have proper maternal care and affection. I would call your attention, Mr. Chairman, to the fact that according to the Immigration Service's own report, on file with your committee, the United States attorney at Los Angeles declined prosecution of Mrs. de Mendez for the offense for which she was deported.

I respectfully ask your approval of this bill for humane and compassionate reasons.

Upon consideration of all the facts in each case included in the joint resolution, the committee is of the opinion that House Joint Resolution 577, as amended, should be enacted and accordingly recommends that it do pass.



